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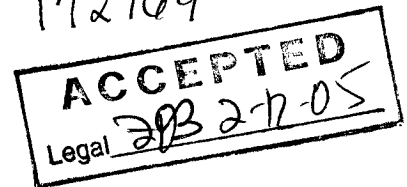
WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

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**ALSO ADMITTED IN VA

February 16, 2005

VIA HAND DELIVERY

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RECEIVED
2005 FEB 16 PM 3:16
SC PUBLIC SERVICE
COMMISSION

RE: Evercom Systems, Inc.

Dear Mr. Terreni:

Enclosed for filing are two (2) copies of the revisions to the Inmate Telecommunications Services Tariff of Evercom Systems, Inc. ("Evercom"), all of which were approved, pursuant to Commission Order No. 2005-4, *nunc pro tunc* effective July 1, 2001.¹ More specifically, Evercom submits for filing the following revised tariff sheets.

1. Second Revised Sheet No. 2, which replaces First Revised Sheet No. 2;
2. First Revised Sheet No. 4, which replaces Original Sheet No. 4;
3. First Revised Sheet No. 7, which replaces Original Sheet No. 7;
4. First Revised Sheet No. 8, which replaces Original Sheet No. 8;
5. First Revised Sheet No. 13, which replaces Original Sheet No. 13;
6. First Revised Sheet No. 14, which replaces Original Sheet No. 14;
7. First Revised Sheet No. 16, which replaces Original Sheet No. 16;
8. First Revised Sheet No. 17, which replaces Original Sheet No. 17;
9. First Revised Sheet No. 21, which replaces Original Sheet No. 21; and
10. First Revised Sheet No. 22, which replaces Original Sheet No. 22.

¹For your reference and convenience, we have enclosed a copy of Commission Order No. 2005-4 approving the enclosed tariff revisions *nunc pro tunc* effective July 1, 2001.

(Continued...)

Mr. Charles L.A. Terreni
February 16, 2005
Page 2

Please acknowledge receipt of this filing by date-stamping the extra copy of this letter that is enclosed and returning it to us via our courier. In addition, once the tariff revisions have been stamped as approved for filing effective July 1, 2001, I would greatly appreciate it if Ms. Colanthia B. Alvarez would provide us with a file-stamped copy these tariff revisions for our file.

By copy of this letter, I am providing the Office of Regulatory Staff with five (5) copies of the tariff revisions enclosed herein and attach a certificate of service to that effect.

If you have any questions, or need additional information, please do not hesitate to contact me.

Sincerely,

WILLOUGHBY & HOEFER, P.A.

A handwritten signature in black ink, appearing to read "K. Chad Burgess", written in a cursive style.

K. Chad Burgess

KCB/cmj
Enclosures

cc: Colanthia B. Alvarez, Program Coordinator (via hand delivery w/enclosures)
Joe Rogers, Tariffs Administrator (via first-class mail w/enclosures)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-336-C

RECEIVED
2005 FEB 16 PM 3:20
SC PUBLIC SERVICE
COMMISSION

IN RE:

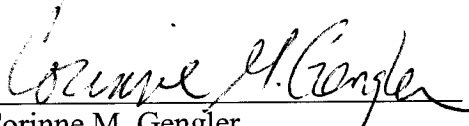
Petition of Evercom Systems, Inc. for a)
declaratory order interpreting the scope of)
authority set forth in its Certificates of)
Public Convenience and Necessity and for)
approval *nunc pro tunc* of revisions to its)
existing inmate telecommunications services))
tariff or in the alternative, application to)
amend its Certificates of Public Convenience)
and Necessity enlarging its operating)
authority and approval *nunc pro tunc* of)
revisions to its existing inmate)
telecommunications services tariff.)
_____)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day five (5) copies of the (i) Second Revised Sheet No. 2; (ii) First Revised Sheet No. 4; (iii) First Revised Sheet No. 7; (iv) First Revised Sheet No. 8; (v) First Revised Sheet No. 13; (vi) First Revised Sheet No. 14; (vii) First Revised Sheet No. 16; (viii) First Revised Sheet No. 17; (ix) First Revised Sheet No. 21; and (x) First Revised Sheet No. 22 upon the person named below, at the addresses set forth in the manner described below:

Via U.S. Mail First Class Postage Prepaid

Joe Rogers, Tariffs Administrator
State of South Carolina
Office Regulatory Staff
PO Box 11263
Columbia, SC 29211


Corinne M. Gengler

Columbia, South Carolina
This 16th day of February, 2005

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2004-336-C – Order No. 2005-4

JANUARY 6, 2005

IN RE: Petition of Evercom Systems, Inc. for)
Declaratory Order and for Approval *Nunc Pro*)
Tunc of Revisions to its Existing Tariff or in)
the Alternative, Application to Amend)
Certificate of Public Convenience and)
Necessity and Approval *Nunc Pro Tunc* of)
Revisions of its Existing Tariff.)

DECLARATORY ORDER

SC PUBLIC SERVICE
COMMISSION

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I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of Evercom Systems, Inc. (“Evercom” or the “Company”) in which the Company seeks an order (i) declaring that the authority granted Evercom in its Certificates of Public Convenience and Necessity includes, among other telecommunications services, the authority to offer debit services to confinement facilities in South Carolina and (ii) approving *nunc pro tunc* revisions to its existing, Commission approved inmate telecommunications services tariff. Evercom’s Petition also contains a request for alternative relief which, based upon the Commission’s rulings set forth herein, is moot.

II. FINDINGS OF FACT

After carefully considering Evercom’s Petition for Declaratory Order, including all the exhibits attached thereto, the Commission makes the following findings of fact:

1. Evercom is a telephone utility as defined by S.C. Code Ann. § 58-9-10 (1976) and currently provides inmate telecommunications services to confinement facilities in South Carolina under the provisions of Chapter 9 of Title 58 of the South Carolina Code. Accordingly, Evercom is subject to the jurisdiction of the Commission.

2. As the result of certain mergers and acquisitions, Evercom currently holds three (3) Certificates of Public Convenience and Necessity as issued by the Commission. More specifically, Evercom holds Certificates of Public Convenience and Necessity originally issued to (i) Coin Telephones, Inc. pursuant to Commission Order No. 91-122, (ii) AmeriTel Payphones, Inc. pursuant to Commission Order No. 97-53, and (iii) Talton Invision, Inc. (“Talton Invision”)¹ pursuant to Commission Order No. 98-265.

3. The specific language most material to Evercom’s Petition for Declaratory Order is found in the Certificate of Public Convenience and Necessity granted by Commission Order No. 98-265 to Evercom under its former corporate name – Talton Invision. The operative language of Commission Order No. 98-265 relevant to Evercom’s petition is as follows:

CONCLUSIONS OF LAW

...

2. The Commission also determines that a Certificate of Public Convenience and Necessity should be granted to Talton Invision to provide inmate telecommunications service to jails and correctional facilities located in South Carolina.

[Order No. 98-265 at p.6] [emphasis in original].

¹ Pursuant to Commission Order No. 98-818, Talton Invision changed its corporate name to Evercom.

4. Through excusable inadvertence as more particularly described in Evercom's petition, the Company believed that it had filed with the Commission proposed revisions to its existing tariff, requesting approval of (i) a provision authorizing Evercom to provide debit services to confinement facilities in South Carolina, (ii) the rates and charges associated with Evercom's debit services and (iii) certain definitions associated with Evercom's debit services.

5. In July 2001, Evercom began offering debit services to confinement facilities in South Carolina in accordance with the proposed revisions to its tariff, including the rate schedule attached to Evercom's Petition. More specifically, Evercom provided telecommunications services to inmates using the Company's debit services for a per-minute (or any portion thereof) usage charge of fifty-cents (\$0.50).

III. CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact and the evidence in this case, the Commission concludes, as a matter of law, the following:

6. The operative language in Commission Order No. 98-265 is clear and unambiguous and states that "[a] Certificate of Public Convenience and Necessity should be granted to Talton Invision *to provide inmate telecommunications service to jails and correctional facilities located in South Carolina.*" [emphasis supplied]. The scope of this language is unrestricted and clearly allows Evercom to offer debit services, including without limitation debit card and account services, to confinement facilities in South Carolina. Moreover, the scope of this language is not limited to debit or collect only

services but allows for the provision of any telecommunications services permitted or requested by jails and confinement facilities for the inmate population.

7. In conclusion, after careful review, consideration, and examination of Evercom's Certificates of Public Convenience and Necessity and specifically Commission Order No. 98-265, the Commission concludes, as a matter of law, that Evercom has the authority to offer, among other telecommunications services, debit card and debit account services to jails and confinement facilities in South Carolina.

8. Further, the proposed revisions submitted by Evercom to its existing, Commission approved inmate telecommunications services tariff, which are attached to Evercom's Petition, are found to be fair and reasonable and should be approved *nunc pro nunc* effective July 1, 2001.

9. Finally, in light of the above findings and conclusions, Evercom's request for alternative relief is moot.

IV. ORDER

NOW THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY DECLARED, ADJUDGED, AND ORDERED THAT:

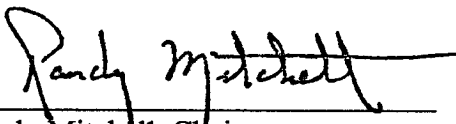
1. The authority granted to Evercom in its Certificates of Public Convenience and Necessity and specifically Commission Order No. 98-265 allows Evercom to offer a broad range of telecommunications services, including, without limitation, the authority to offer debit card and debit account services to jails and confinement facilities in South Carolina.

2. The proposed revisions submitted by Evercom to its existing, Commission approved inmate telecommunications services tariff, which are attached to Evercom's Petition, are hereby approved *nunc pro nunc* effective July 1, 2001.

3. In light of the rulings stated herein, Evercom's request for alternative relief is moot.

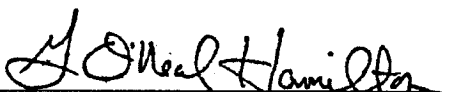
4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)

CHECK SHEET

This tariff contains sheets 1 through 22, inclusive, each of which is effective on the date shown thereon.

<u>Sheet</u>	<u>Revision</u>
1	Original
2	Second Revised*
3	Original
4	First Revised*
5	Original
6	Original
7	First Revised*
8	First Revised*
9	Original
10	Original
11	Original
12	Original
13	First Revised*
14	First Revised*
15	Original
16	First Revised*
17	First Revised*
18	Original
19	First Revised
20	First Revised
21	First Revised*
22	First Revised*

* Indicates new or revised sheets

Issued: November 29, 2004

Effective: December 29, 2004

By: Colleen Dziuban
Director, Governmental Affairs
Evercom Systems, Inc.
8201 Tristar Drive
Irving, Texas 75063

5.6. Taxes.....	18	
6. CURRENT RATES AND CHARGES.....	19	
6.1. InterLATA Rates and Charges.....	19	
6.2. IntraLATA Rates and Charges.....	20	
6.3. Local Calls.....	20	
7. DEBIT SERVICES	21	(N)
7.1. Debit Rates.....	21	
8. MARKETING OF SERVICES.....	22	
9. CONTRACT SERVICES.....	22	(N)

1. DEFINITIONS

For the purpose of this tariff, the following definitions will apply:

Authorization Code – A pre-defined series of numbers to be dialed by the Inmate User or Authorized User upon access to the Carrier's system to identify the caller and validate the caller's authorization to use the services provided. (N)

Authorized User – A person, firm, partnership, corporation or other entity who is authorized by the Confinement Facility to be connected to and utilize the Carrier's services under the terms and regulations of this tariff. (N)

Called Party – The person, individual, corporation, or other entity whose telephone number is called by the Inmate User. Other than for Prepaid Service calls, the Called Party accepts responsibility for payment of the charges for use of the Company's services. (N)

Collect Calls – Calls billed not to the originating telephone number, but to the called telephone number upon acceptance, via an automated interface, of the call for which charges are billed.

Commission – Used throughout this tariff to mean the South Carolina Public Service Commission.

Common Carrier – A company or entity providing telecommunications services to the public.

Company – Evercom Systems, Inc., a Delaware corporation, also referred to as the Carrier. (T)

Confinement Facility – Used throughout this tariff to refer to any place designated by law for the confinement of persons held in custody under process of law, under lawful arrest or under mental treatment, including a facility for the detention of juveniles. (N)

Customer – The person or entity responsible for the payment of charges for services offered under this tariff.

Debit Account – An account that is not associated with a Local Exchange Carrier business or residential access line. A Debit Account is established for an Inmate User or Authorized User with an initial prepaid balance from which charges for service provided by Carrier are deducted on a per minute, real time basis. (N)

Debit Card – A card issued by the Company which provides the Inmate User or Authorized User with a Debit Account, an Authorization Code, and instructions for accessing the Carrier's network. Inmate User or Authorized Users purchase usage on a set prepaid basis. (N)

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Debit Card Call – A service whereby the Inmate User or Authorized User dials all of the digits necessary to route and bill a call placed from a location other than his/her residence or normal place of business. Service is accessed via a “1-800” or other access code dialing sequence. Usage charges for Debit Card Calls are deducted from the Inmate User’s or Authorized User’s Debit Account on a real time basis. (N)

Inmate User – A person incarcerated in a facility serviced by the Carrier who is authorized by the the Carrier’s Confinement Facility to be connected to and utilize services under the terms and regulations of this tariff. (N)

Local Access and Transport Area (LATA) – The term “Local Access Transport Area” denotes a geographical area established by the U.S. District Court for the District of Columbia in Civil Action No. 82-0192. (M)

Measured Charge – A charge assessed on a per minute basis in calculating the charges for a completed call. Measured Charges are specified as a rate per minute which applies to each minute, with fractional minutes of use counted as one full minute. (M)

Service Charge – A non-measured (fixed) charge which is added to a Measured Charge in calculating the total tariff charges due to a complete call.

Station- Any location from which calls may be placed or received.

Telecommunications – The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

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failure to operate, maintenance, removal, presence, condition, location or use of facilities or equipment provided by the Company. No agents or employees of any other entity shall be deemed to be the agents or employees of the Company.

- 3.2.6 The Company shall not be liable for any failure of performance due to causes beyond its control, including, without limitation, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppages or other labor difficulties, and any law, order, regulation or other action of any governing authority or agency thereof.

3.3 Responsibilities of the Customer and Inmate User (T)

- 3.3.1 Except for pre-paid service, the Customer is responsible for payment of applicable charges set forth in this tariff. (T)

- 3.3.2 The Customer is responsible for compliance with applicable regulations set forth in this tariff.

- 3.3.3 The Inmate User is responsible for establishing its identity as often as necessary during the course of a call. (T)

- 3.3.4 The Inmate User is responsible for identifying the station, party, or person with whom communication is desired and/or made at the called number.

3.4 Cancellation or Interruption of Services

- 3.4.1 Without incurring liability the Company may immediately discontinue services or may withhold the provision of ordered or contracted services:

3.4.1.A For nonpayment of any sum due the Company for the services.

3.4.1.B For violation of any of the provisions of this tariff.

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- 3.4.1.C For violation of any law, rule, regulation or policy of any governing authority having jurisdiction over the Company's services, or
- 3.4.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting the Company from furnishing its services.
- 3.4.2 Without incurring liability, the Company may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of the Company's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 3.4.3 Service may be discontinued by the Company, without notice, by blocking traffic to certain countries, cities or exchanges, or by blocking calls using certain Authorization Codes, when the Company deems it necessary to take such action to prevent unlawful use of its services, and as set forth in Section 2.3 of this tariff. The Company will restore service as soon as it can be provided without undue risk, and will, upon request by the Inmate User affected, assign a new Authorization Code to replace the one that has been deactivated. (T)
- 3.4.4 The Company may refuse to provide service without prior notice when the Called Party refuses to accept the charges or has subscribed to billed number screening, prohibiting acceptance of such calls. (T)

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Irving, Texas 75063

5. PAYMENTS AND CHARGES

5.1 Billing Arrangements

5.1.1 Charges for services hereunder may be:

5.1.1.A billed directly by the Company,

5.1.1.B included on the Customer's regular home or business telephone bill, pursuant to billing and collection agreements established by the Company or its intermediary with the applicable telephone company.

5.1.2 When billing functions on behalf of the Company or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply.

5.1.3 The Company's bills are due upon receipt. Amounts not paid within 30 days from the due date of the invoice will be considered past due. A Customer may be assessed a late fee on past due amounts at the maximum lawful rate under applicable state law. If a Customer presents an undue risk of nonpayment at any time, the Company may require that the Customer pay its bills within a specified number of days and make such payments in cash or the equivalent of cash.

5.1.4 The Called Party with questions about invoices may contact the Company directly at 8201 Tristar Drive, Irving, Texas 75063. Disputes with respect to charges should be presented to the Company in writing within thirty days from the date the invoice is rendered. All billing disputes will be handled by the Company in compliance with applicable Commission Rules and Regulations. No such disputes will be considered by the Company that do not fully satisfy the applicable statute of limitations. (T)

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5.1.5 In the event the Company incurs fees or expenses, including attorney's fees, in collecting or attempting to collect, any charges owed the Company, the Customer will be liable to the Company for the payment of all such fees and expenses reasonably incurred.

5.2 Validation of Credit

The Company reserves the right to validate the creditworthiness of the Customer through available verification procedures. Where a requested billing method cannot be validated, the Company may refuse to provide service.

Services offered pursuant to this tariff are provided to inmates of Confinement Facilities, (T) in accordance with institutionally authorized programs. The Company may request that facilities adopt, as part of the institutionally authorized programs, terms that enable the Company to collect the charges for all inmate calls, including without limitations, the blocking of calls to certain telephone numbers when the amount charged to such telephone number exceeds a predetermined amount.

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Irving, Texas 75063

7. DEBIT SERVICES

(N)

The Company offers the Company's Debit Services for Inmate User or Authorized User use 24 hours a day, seven days a week to all terminating locations serviced.

The Inmate User or Authorized User attains access to the Company's Debit Services via the Company's toll free number. The Inmate User or Authorized User must input a valid Authorization Code to access his account. After account access, the Inmate User or Authorized User inputs the destination number with area code. Usage will be debited from the available card or account. At the beginning of each call, the Inmate User or Authorized User is informed of the remaining balance on the account. If a full minute is not used prior to termination, the Inmate User or Authorized User will be charged according to the amount used. Inmate Users or Authorized Users will be interrupted with an announcement when the account balance is one minute prior to exhaustion.

Debit Cards are valid from one year of the date of issuance. Unused prepaid balances may be used by the Inmate User or Authorized User following release from the correctional facility only through the Company's network by dialing a special toll-free number which automatically connects the call to the Company's network. Unused prepaid balances are not refundable nor may Debit Cards be replenished upon depletion.

Unlike a deposit or advance payment, the Debit Card account balance is not held against future payment as all service is available for immediate consumption.

For Debit Accounts, the prepaid balance may be replenished by depositing funds into the account via the facility administrator. Debit Accounts are considered dormant if there is no activity for 180 days. Inactive accounts will be removed from the database. Following their release from the correctional facility, the Inmate User may request a refund from the facility administrator.

7.1. Debit Services Rates

The rates listed below are applicable to the Company's Debit Card and Debit Account Service. For billing purposes, call timing is rounded up to the next full minute increment. No time of day, holiday or volume discounts apply. The Per Minute rates listed below are inclusive of all applicable taxes.

Per minute usage rate: \$0.50

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Effective: December 29, 2004

By: Colleen Dziuban
Director, Governmental Affairs
Evercom Systems, Inc.
8201 Tristar Drive
Irving, Texas 75063

8. MARKETING OF SERVICES

As a telephone utility under the regulation of the Public Service Commission of South Carolina, the Company hereby asserts and affirms that as a reseller of intrastate telecommunications service, it will not indulge or participate in deceptive or misleading telecommunications marketing practices to the detriment of consumers in South Carolina, and it will comply with those marketing procedures, if any, set forth by the Public Service Commission. Additionally, it will be responsible for the marketing practices of its contracted telemarketers for compliance with this provision. It understands that violation of this provision could result in a rule to show cause as to the withdrawal of its certification to complete intrastate telecommunications traffic within the state of South Carolina.

9. CONTRACT SERVICES

(N)

At the option of the Company, service may be offered on a contract basis to meet specialized requirements of the Confinement Facility not contemplated in this tariff. The terms of each contract shall be mutually agreed upon between the Confinement Facility and Company and may include discounts off of rates contained herein, waiver of recurring or nonrecurring charges, charges for specially designed and constructed services not contained in the Company's general service offerings, or other customized features. The terms of the contract may be based partially or completely on the term and volume commitment, type of originating or terminating access, or a mixture of services for other distinguishing features. Service shall be available to all similarly situated Confinement Facilities for a fixed period of time following the initial offering to the first Confinement Facility as specified in each individual contract.

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Director, Governmental Affairs
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8201 Tristar Drive
Irving, Texas 75063

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-336-C

RECEIVED
2005 FEB 16 PM 3:18
SC PUBLIC SERVICE
COMMISSION

IN RE:


Petition of Evercom Systems, Inc. for a)
declaratory order interpreting the scope of)
authority set forth in its Certificates of)
Public Convenience and Necessity and for)
approval *nunc pro tunc* of revisions to its)
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Via U.S. Mail First Class Postage Prepaid

Joe Rogers, Tariffs Administrator
State of South Carolina
Office Regulatory Staff
PO Box 11263
Columbia, SC 29211


Corinne M. Gengler

Columbia, South Carolina
This 16th day of February, 2005